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EXAMINER

LEYSON, JOSEPH S

ART UNIT

PAPER NUMBER

1722

5

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/977,898

Applicant(s)

FARE, ROSALDO

Examin r

Joseph Leyson

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-- Th MAILING DATE of this communication appears on the cov r sheet with th corr spond nce address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Applicant's affirmation of the election of Group I in Paper No. 4 filed on 25 June 2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 25 June 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartmann(-763).

Hartmann(-763: fig. 10) teaches a melt-blowing head 12', that corresponds to the instant melt-blowing head, for producing fibrils of a polymeric material and for making non-woven fabrics, the melt-blowing head 12' including at least a

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polymeric material inlet channel (fig. 10) fed from pump 52, a melt-blowing die 11 with a plurality of holes 12 for extruding fibrils therefrom, a channel arrangement 61 for distributing the material from the inlet channel to each hole 12 of the melt-blowing die 11, the channel arrangement 61 including a tree construction extending from the inlet channel and having a plurality of tree branches each of which ends at a respective hole of the die, wherein the branches have substantially like L-shape and a same size (fig. 10). Since the branches have substantially like L-shape and a same size, the material is capable of being held in each branch for an equal holding time. At an end of each middle branch of the channel arrangement 61, the channel arrangement 61 opens into two secondary side branches having like L-shape and size (fig. 10).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann(-763) in view of Nakata(-838).

Hartmann(-763) discloses the apparatus substantially as claimed as mentioned above, except for three different inlets for supplying corresponding polymeric materials to corresponding delivery channel arrangements, as recited by the instant claim.

Nakata(-838) discloses a head including a plurality of different inlets for supplying different colored materials to corresponding delivery channel arrangements for making corresponding patterns of different colored fibrils in a product (col. 1, lines 39-67; col. 6, lines 35-42; see figures).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of Hartmann(-763) to include a plurality of different inlets for supplying corresponding polymeric materials to corresponding delivery channel arrangements as disclosed by Nakata(-838) because such a modification would enable the production of different colored fibril patterns in the product.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al.(-848) taken together with Wells(-336) in further view of Hartmann(-763).

Allen et al.(-848) disclose a first embodiment melt-blowing head including a polymeric material inlet channel 67, a melt-blowing die including a plurality of holes 69 for extruding fibrils therefrom, and a channel arrangement for distributing

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the material from the inlet channel 67 to each hole 69. The channel arrangement includes a tree construction extending from the inlet channel 67 and having a plurality of tree braches 65, 68 each of which ends at a respective hole of the die. Allen et al.(-848) disclose a second embodiment melt-blowing head including a polymeric material inlet channel 254, a melt-blowing die 200 including a plurality of holes (see fig. 16) for extruding fibrils therefrom, and a channel arrangement for distributing the material from the inlet channel 254 to each hole. The channel arrangement includes a tree construction extending from the inlet channel 254 and having a plurality of tree braches 250, 252, 212, 214, 216, 218, 220, 222 each of which ends at a respective hole of the die. However, Allen et al.(-848) does not disclose the branches of either embodiment having substantially like L-shape and a same size.

Wells(-336) discloses a channel arrangement for providing uniform flow distribution and pressures wherein the channel arrangement includes a tree construction extending from an inlet channel and having a plurality of tree branches, wherein at an end of each middle branch of the channel arrangement, the channel arrangement opens into two secondary side branches, having like shape and size, for supplying the material in a direction of a die with a plurality of orifices. Since the

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branches have like shape and size, the material is capable of being held in each branch for an equal holding time.

Hartmann(-763) discloses a channel arrangement 61 for distributing material to a die, the channel arrangement including a tree construction extending from an inlet channel and having a plurality of tree branches, wherein at an end of each middle branch of the channel arrangement, the channel arrangement opens into two secondary side branches, having substantially like L-shape and a same size. Since the branches have like L-shape and a same size, the material is capable of being held in each branch for an equal holding time.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify either head embodiment of Allen et al.(-848) with the channel arrangement of Wells(-336) because such a modification would provide an art recognized alternative channel arrangement for providing uniform flow distribution and pressures, and to further modify the branches of the channel arrangement of Wells(-336) to have substantially like L-shape because such a modification would provide an art recognized alternative configuration of the channel arrangement for distributing materials in an extrusion apparatus, as disclosed by Hartmann(-763).

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8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al.(-848) taken together with Wells(-336) in further view of Hartmann(-763) as applied to claims 9 and 10 above, and further in view of Choi(-812).

Choi(-812) discloses a head including three different inlets 12 for supplying corresponding polymeric materials to corresponding delivery channel arrangements 11, 11' for making three different sets of fibrils.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the apparatus to include three different inlets for supplying corresponding polymeric materials to corresponding delivery channel arrangements as disclosed by Choi(-812) because such a modification would enable three different sets of fibrils to be made.

9. Applicant's arguments with respect to claims 9-11 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (703) 308-2647. The examiner can normally be reached on M-F(8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

jl

jl
July 8, 2003

James P. Mackey
JAMES P. MACKEY
PRIMARY EXAMINER

7/14/03